**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

**CONTAINS ENFORCEMENT-SENSITIVE INFORMATION**

**MEMORANDUM**

**DATE:** July 11, 2003

**SUBJ:** Request for a Removal Action at the EPAC Site,
Waterbury, New Haven County, Connecticut - **Action Memorandum**

**FROM:** Frank Gardner, On-Scene Coordinator
Emergency Response Section

**THRU:** Steve Novick, Chief
Site Evaluation and Response Section II

Arthur V. Johnson III, Chief
Emergency Planning & Response Branch

**TO:** Susan Studlien, Acting Director
Office of Site Remediation and Restoration

## I. PURPOSE

The purpose of this Action Memorandum (AM) is to request and document approval of a proposed removal action at the EPAC Site (Site). The EPAC facility is located at 730 North Main Street in Waterbury, New Haven County, Connecticut. Friable asbestos and polychlorinated biphenyls (PCBs) are present at the Site, and if not addressed by implementing the response actions selected in this AM, will continue to pose a threat to human health.

## II. SITE CONDITIONS AND BACKGROUND

**CERCLIS ID# :** CTD001454214
**SITE ID# :** 01BA
**CATEGORY :** Time Critical

## A. Site Description

### 1. Removal Site Evaluation

On 2 March 2003, an emergency response was conducted by the Connecticut Department of Environmental Protection (CT DEP) in response to an odor and sheen that were observed on Great Brook. The EPAC facility was investigated as the possible source of the sheen. At CT DEP's request, EPA mobilized to the Site on 3 March 2003 to assist with this emergency response. During this response, several conditions were observed that posed a potential threat to public health. Fire debris was suspected to include asbestos-containing material (ACM) and several capacitors and large capacity transformers potentially containing polychlorinated biphenyls (PCBs) were found. Stained soils located at the base of the transformers indicated past occurrence of leakage.

On 3 March 2003, CT DEP requested that EPA conduct a removal site investigation. EPA and the Superfund Technical Assessment and Response Team contractor (START) mobilized to the site on 20 March 2003 to conduct the site investigation. During the investigation, START collected bulk samples (for asbestos) from a boiler unit located in the ruins of the building and other areas of fire debris. Air monitoring was conducted near several drums that indicated elevated levels of organic vapors. The drums, however, could not be safely accessed due to fire debris. Although the capacitors and transformers could not safely be opened during the investigation, stained surface soils beneath the transformers were sampled. Sampling conducted during the investigation confirmed the presence of asbestos on the boiler unit and PCBs in the stained soils beneath the transformers. Based on the findings of the site investigation, a removal action was recommended on 21 April 2003.

### 2. Physical Location

The Site is located at 730 North Main Street, Waterbury, Connecticut, at coordinates 41° 33' 44" north latitude by 73° 01' 54" west longitude. The Site is bounded by commercial properties to the north, residential properties and the Naugatuck River to the east, residential properties to the south, and residential neighborhood and Martin Luther King Jr. Park to the west.

### 3. Site Characteristics

EPAC was a tenant at the Great Brook Industrial Park, which is owned by Waterbury Realty, LLC. The industrial park is a multi-section, light manufacturing, industrial-use brick complex located on approximately 11 acres. EPAC operated at one of the buildings at the industrial park until 25 December 2003, at which time a fire destroyed much of the building. The transformers and capacitors are located in an adjacent, partially-intact, two-

story building, which is open to the burned-out remains of the EPAC building on one side. This two-story structure is owned by Waterbury Realty, LLC, but was vacant and not leased to EPAC.

**4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant.**

Data collected during the site investigation indicates the presence of asbestos in concentrations up to 12 % on the boiler unit and in nearby building debris and PCBs up to 54 mg/kg in stained surface soils beneath the transformers.

**5. NPL status**

The site is not currently on the National Priorities List, and has not received a Hazardous Ranking System rating.

## B. Other Actions to Date

### 1. Previous Actions

Pursuant to a request for support from CT DEP, EPA conducted an emergency response on 3 March 2003 to investigate to a possible release from the site to Great Brook. This response included investigating the Site for possible source areas that could have contributed to the sheen and odor observed on Great Brook the previous day. Site conditions observed during this emergency response led to the removal site investigation. EPA is also pursuing a pending Toxic Substances Control Act (TSCA) enforcement action at the site regarding the discovery of PCBs. TSCA enforcement activities were ongoing prior to the emergency response.

### 2. Current Conditions

The burned-out remains of the former EPAC facility are still present. The asbestos, drums, capacitors, and transformers remain, although representatives of Great Brook Industrial Park have covered the asbestos with plastic tarps to temporarily minimize its release. The drums remain commingled with building debris. Access to the site remains unrestricted to foot traffic.

## C. State and Local Authorities' Roles

### 3. Actions to Date

On 2 March 2003, CT DEP conducted an emergency response to investigate the source of a sheen and odor observed on Great Brook. During the reconnaissance of the area to locate the source of the release, CT DEP observed potential hazardous conditions at the EPAC facility that posed a potential threat to the public, leading to the removal site investigation. CT DEP requested assistance from EPA to further evaluate the site.

### 4. Potentential for Continued State/Local Response Role(s)

CTDEP will assist EPA's removal action by providing ARARs and technical support. The Town of Waterbury will assist EPA by providing public health and outreach support.

# III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

## A. Threats to Public Health or Welfare

**"Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants" [300.415(b)(2)(i)].**

The presence of asbestos, PCBs, and drums potentially containing hazardous substances pose a direct contact threat to local residents and those who may enter the Site. Access to the Site is unrestricted, and the burned-out remains of the structure may act as an attractive nuisance, bringing unauthorized individuals in close contact with asbestos-containing building materials, drums, or PCB-contaminated surface soils.

Asbestos fibers may enter the body by inhalation or ingestion. Breathing asbestos can cause asbestosis, a buildup of scar-like tissue in the lungs and in the membrane that surrounds the lungs. Symptoms of asbestosis include shortness of breath, coughing, and sometimes heart enlargement. Asbestosis is a serious disease that can lead to disability or death. Asbestos is also a known human carcinogen. Inhalation of high levels of asbestos can cause cancer of the lung tissue itself and mesothelioma, a cancer of the membrane that surrounds the lung and other internal organs.[1]

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[1]Agency for Toxic Substances and Disease Registry (ATSDR), U.S. Department of Health and Human Services, Public Health Service, *Tox FAQs Fact Sheet for Asbestos*, September 1996.

PCBs are known to cause acne-like lesions and rashes known as chloracne. They may also cause developmental and reproductive problems. PCBs are probable human carcinogens, suspected of causing liver cancer.[2]

**"Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released" [300.415(b)(2)(v)].**

The presence of friable asbestos on and around the boiler poses a threat of airborne or waterborne migration. This material is exposed to hot and cold temperatures, precipitation, and wind and constitutes a potential threat to public health. Asbestos can crumble under hand pressure. Exposure to cycles of wetting and drying will hasten degradation, and thereby the potential to be released.

**"The availability of other appropriate federal or state response mechanisms to respond to the release" [§300.415(b)(2)(vii)].**

CT DEP and the Town of Waterbury have requested that EPA complete this removal action because they do not have the resources to address the site.

### B. Threats to the Environment

**"Actual or potential contamination of drinking water supplies or sensitive ecosystems" [§300.415(b)(2)(ii)].**

Great Brook is identified as a sensitive ecosystem and is used for recreation and fishing. A section of the brook flows directly beneath the property and could be adversely impacted from the migration of contaminants at the Site.

## IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

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[2]ATSDR, U.S. Department of Health and Human Services, Public Health Service, *Toxicological Profile for Polychlorinated Biphenyls*, November 2000.

## V. PROPOSED ACTIONS AND ESTIMATED COSTS

### A. Proposed Actions

#### 1. Proposed action description

The actions required to mitigate the threats outlined herein are given below. At this time, Waterbury Realty, LLC, a Potentially Responsible Party (PRP), has indicated a willingness to perform the work. EPA will pursue a PRP-lead cleanup with this party. In the event the PRP fails to perform adequately, EPA is prepared to undertake the following actions: (a) perform a site walk with the ERRS contractor; (b) collect and remove asbestos-containing materials from the boiler unit and surrounding areas; (c) remove PCB-contaminated oil from the transformers, if present; (d) remove the capacitors and PCB-contaminated surface soils; (e) determine whether hazardous substances are present in the drums (which could not be accessed during the removal site investigation); and (f) transport hazardous substances generated by the above activities to an approved off-site disposal facility.

#### 2. Community Relations

EPA will remain involved with the local community throughout the removal action via press releases, fact sheets, and public meetings, as needed.

#### 3. Contribution to Remedial Performance

Performing this removal action will serve to protect public health and the environment by eliminating the potential for further release of hazardous substances including asbestos and PCBs, found at the Site. The removal action will contribute toward and be consistent with the performance of any remedial action that may be undertaken at a later date.

#### 4. Description of alternative technologies

The use of alternative technologies with regard to disposal options will be further examined as the site work progresses. On-site field screening and analytical techniques will be utilized to the extent practicable.

#### 5. Applicable or Relevant and Appropriate Regulations (ARARs)

The cleanup standards, standards of control, and other substantive requirements that have been identified to-date, are listed below, and are applicable within the confines of EPA Publication 540/P-91/011, "Superfund Removal Procedures: Guidance on the Consideration of ARARs During Removal Actions."

Federal ARARs:

29 CFR Parts 1910, 1926, and 1904: OSHA Health and Safety Regulations

40 CFR Part 61- National Emission Standards for Hazardous Air Pollutants
Subpart M - National Emission Standard for Asbestos
61.145(c) : Standard for demolition and renovation
61.150 (except d): Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations
61.151 (except d and e); Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations

40 CFR Part 262 - Standards Applicable to Generators of Hazardous Waste:
Subpart B - The Manifest
262.20 : General requirements for manifesting
262.21 : Acquisition of manifests
262.22 : Number of copies of manifests
262.23 : Use of the manifest
Subpart C - Pre-Transport Requirements
262.30 : Packaging
262.31 : Labeling
262.32 : Marking
Subpart D - Recordkeeping and Reporting
262.40 : Recordkeeping

40 CFR Part 264 - Standards for Owners and Operators of Hazardous waste Treatment, Storage, and Disposal Facilities:
Subpart I - Use and Management of Containers
264.171 : Condition of containers
264.172 : Compatibility of waste with containers
264.173 : Management of containers
264.174 : Inspections of containers
264.177 : Special requirements for incompatible wastes

40 CFR Part 264 Hazardous Waste Regulations - RCRA Subtitle C:
268-270 : Hazardous and Solid Waste Amendments Land Disposal Restrictions Rule

40 CFR Part 300.440 Procedures for Planning and Implementing Off-Site Response Actions (Off-Site Rule)

49 CFR Parts 171-179 : Department of Transportation Regulations for Transport of Hazardous Materials

40 CFR Part 761.60 and Parts 761.202-218 : TSCA requirements for disposal of PCBs

State ARARs:

The OSC will coordinate with State officials to identify additional State ARARs, if any. In accordance with the National Contingency Plan and EPA Guidance Documents, the OSC will determine the applicability and practicability of complying with each ARAR which is identified in a timely manner.

### 6. Project schedule

The total project duration is estimated at four months.

## B. Estimated Costs

In the event the PRP fails to perform the removal action, EPA's independent government estimate of the cost associated with carrying out the proposed actions outlined above are given below. If the removal is successfully completed by the PRP, EPA's extramural costs will be limited to $50,000 START cost.

| | |
|---|---|
| Regional Removal Allowance Costs | |
| ERRS[3] Contractor | $ 300,000 |
| Other Extramural Costs Not Funded from the Regional Allowance | |
| START Contractor, including muliplier costs | $ 50,000 |
| Subtotal, Extramural Costs | $ 350,000 |
| 10% Extramural Costs Contingency | $ 35,000 |
| **TOTAL EXTRAMURAL PROJECT CEILING** | **$ 385,000** |

# VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

In the absence of the response action described herein, conditions at the Site can be expected to continue to deteriorate, and the threats associated with the presence of hazardous substances will persist.

# VII. OUTSTANDING POLICY ISSUES

There have been no outstanding policy issues identified to date with respect to this removal action.

# VIII. ENFORCEMENT

See attached Enforcement Strategy.

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[3]Emergency Rapid Response Services

### A. Fund-lead Scenario

The total estimated EPA costs for the fund-lead scenario would be:

$385,000 (extramural costs) + $75,000 (EPA's direct intramural costs) = $460,000
$460,000 x 1.2702 (regional indirect rate) = $584,292

The total EPA costs for this fund-lead removal action based on full-cost accounting practices that will be eligible for costs recovery are estimated to be $584,292.[4]

### B. PRP-lead Scenario

The total estimated EPA costs for the PRP-lead scenario would be:

$50,000 (extramural costs) + $75,000 (EPA's direct intramural costs) = $125,000
$125,000 x 1.2702 (regional indirect rate) = $158,775

The total EPA costs for the PRP-lead removal action based on full-cost accounting practices that will be eligible for costs recovery are estimated to be $158,775.

## IX. RECOMMENDATION

This decision document represents the selected removal action for the EPAC Site in Waterbury, Connecticut, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. The basis for this decision will be documented in the administrative record to be established for the Site.

Conditions as the Site meet the NCP Section 300.415 (b) (2) criteria for a removal action due to the following:

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[4] Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimate indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgement interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

*Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [§300.415(b)(2)(i)];*

*Actual or potential contamination of drinking water supplies or sensitive ecosystems [§300.415(b)(2)(ii)];*

*Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;[§300.415(b)(2)(v)]; and*

*The availability of other appropriate Federal or State response mechanisms to respond to the release; [§300.415(b)(2)(vii)].*

I recommend that you approve the proposed removal action. The total removal action project ceiling, if approved, will be $385,000. Of this, an estimated $300,000 comes from the Regional removal allowance.

**APPROVAL:** _____

**DATE:** 7-15-03

**DISAPPROVAL:** _____

**DATE:** _____